

EPA-R5-2014-004943-1

Peter Westlin /RTP/USEPA/US

06/02/2005 06:31 AM

To Ron Myers, Barrett Parker, Fred Thompson, Robin Segall,
Loren Denton, Fred Thompson

cc

bcc

Subject Fw: PS-11 and Procedure 2 Draft Guidance Material Review

I apologize if I sent you this earlier, but Dan's message reminded me that I may not have done so. The message is that UARG may want EPA to do a little more work on PM CEMS before requiring them generally but otherwise they are very supportive. At least that's the spin I see.


----- Forwarded by Peter Westlin/RTP/USEPA/US on 06/02/2005 07:25 AM -----

Dan Bivins /RTP/USEPA/US

05/31/2005 10:34 AM

To Eric Ginsburg/RTP/USEPA/US@EPA

cc Peter Westlin/RTP/USEPA/US@EPA

Subject Re: Fw: PS-11 and Procedure 2 Draft Guidance Material Review 

O.K. - here's UARGs comments on draft guidance.
Dan

-----Forwarded by Dan Bivins/RTP/USEPA/US on 05/02/2005 08:10AM -----

To: Dan Bivins/RTP/USEPA/US@EPA
From: "Freeman, Lauren" <lfreeman@hunton.com>
Date: 04/29/2005 05:57PM
cc: rjmarinshaw@rti.org
Subject: RE: PS-11 and Procedure 2 Draft Guidance Material Review

Attached are UARG's comments. Since we decided to comment in the context of our broader comments on the Agency's solicitation of comments on using PM CEMS under a revised Subpart Da, I am attaching the entire comment document. UARG's comments on the draft guidance can be found on pages 40-41 and in Attachments 2 and 5. Sorry for the additional paper.

Lauren E. Freeman
Hunton & Williams LLP
1900 K Street, NW
Washington, DC 20006
Ph: (202) 778-2248
Fax: (202) 828-3762
E-mail: lfreeman@hunton.com
www.hunton.com



UARGcomments042905complete.pdf

EPA-R5-2014-004943-2

Genevieve
Damico/R5/USEPA/US
09/13/2005 09:17 AM

To Padmini Singh
cc
bcc
Subject responsiveness summary



Coal Fired Plants_Prelim_Response Summary_08_15

EPA-R5-2014-004943-3

Peter Westlin /RTP/USEPA/US

10/06/2005 12:56 PM

To Robin Segall, Dan Bivins, Barrett Parker, Eric Ginsburg, Bill Lamason, Fred Thompson, Conniesue Oldham

cc Loren Denton, Richard Alonso

bcc

Subject Re-drafted CEM06 paper on monitoring

NEMT:

As we discussed with Peter T on Wednesday, I have revised the paper to be presented at the CEM06 conference next February. For a number of reasons, including the fact that Peter and Bill wanted some changes, I think that the paper is better for the revisions. I hope that we can be more explicit in the near future about how the Agency is adopting policies that will implement the principles described in the paper, but I understand the limitations on doing so now.

I would ask that all of you could take a look at it as it is now, let me know your thoughts, and get me any comments by COB October 11. In the mean time, I will re-route the paper through the clearance process as I need it cleared and sent to the conference by October 15.

Thanks,

Peter



CEM06 paper v5.doc

EPA-R5-2014-004943-4

Peter Westlin /RTP/USEPA/US

10/14/2005 02:16 PM

To maryse.deleris

cc lesleysloss, Fred Thompson, Robin Segall, Dan Bivins,
Barrett Parker, Eric Ginsburg, Loren Denton, Richard Alonso,
isabelle.bompane, gail_westlin

bcc

Subject CEM 2006 Conference

Mrs. Maryse Deleris:

Please find attached two files with the paper entitled *The Status of Source Emissions Monitoring in the United States Air Program and Concepts for Continued Improvement*. The title and abstract are somewhat different than and replace that which I sent you earlier (An Updated National Emissions Monitoring Strategy for the United States Air Program).

I submit this paper for publication with the proceedings from the conference and I very much look forward to presenting the information and participating in the conference. Please let me know if there is anything else you need from me in the mean time.

Peter Westlin
Emissions Factors and Policy Applications Group
US Environmental Protection Agency (mail code C339-02)
Research Triangle Park, NC 27711
919/541-1058 office
919/541-1039 fax



CEM06 paperv5.doc



CEM06 paperv5.pdf

EPA-R5-2014-004943-5

Baumling@aol.com

12/22/2005 12:54 PM

To Genevieve Damico

cc Brad.Frost, Mike.Reed

bcc

Subject Comments on the Waukegan permit and RS

Dear Ms Damico,

I had advised Region 5 by phone at the beginning of the 10 day comment period that I would submit comments on the draft proposed permit for the Waukegan Midwest Generation coal fired power plant. It has come to my attention that IEPA has not forwarded my comments to Region 5.

Please find them attached.

Thank you.



Verena Owen MWG Waukegan 10 day dec 05.doc

EPA-R5-2014-004943-6

**Genevieve
Damico/R5/USEPA/US**
03/28/2006 09:44 AM

To Kevin Vuilleumier
cc
bcc
Subject responsiveness summary

The whole summary is found at
http://yosemite.epa.gov/r5/il_permt.nsf/0fabdff49407e9738625666b0063825b/274bd97fa7e3028885256f87007bc298!OpenDocument
under response to comments.

“Concern has been expressed whether the coal-fired boilers at the plants are fully compliant with the opacity limitations or PM standards and, if they are noncompliant, whether this triggers the requirement for inclusion of compliance schedules in the CAAPP permits. As recognized in these permits, the coal-fired boilers are subject to opacity and PM standards. As also recognized in the permits, the opacity and PM standards are separate requirements and compliance with these requirements must be separately addressed. This said, among other things, opacity is a means by which compliance with the PM standard may be evaluated. More specifically, opacity is a practical means for determining whether PM emissions control equipment, which for the coal-fired boilers at these plants, with only two exceptions, are ESPs, are being properly maintained and effectively operated to comply with applicable PM standards. At the same time, while elevated or even excess opacity may indicate that PM emissions could be increasing, elevated or increasing opacity does not necessarily translate directly into noncompliance with the PM emissions standard. In other words, while opacity levels may be used to assess compliance and noncompliance with PM standards, opacity levels do not provide a precise differentiation between compliant and noncompliant operations. However, this differentiation is not essential as the objective of the CAAPP permit is to assure compliant operations and “flag” potentially noncompliant operations.

Historical emissions testing for PM indicates PM emissions from the coal-fired boilers are typically well within the applicable standard. This is consistent with information that indicates that the ESPs at these plants can generally ensure compliance with the PM standard even when a number of the fields in the ESP are not in service. In addition, neither the applications nor comments provide information evidencing noncompliance with the PM standard. Accordingly, a factual basis has not been presented upon which to include compliance schedules in these CAAPP permits related to PM emissions from the coal-fired boilers.

Regarding opacity, the CAAPP permits require these plants to comply with the applicable opacity standards, even during malfunction/breakdown and startup, contrary to concerns expressed by the public and claims made by certain sources. Quarterly opacity reports submitted to the Agency by the sources, though not part of the permit applications, do indicate that the coal-fired boilers do, at times, exhibit excess opacity. Comments suggest that this is sufficient to trigger the requirements for a compliance schedule. However as

previously noted, each source certified compliance. (While Midwest Generation qualified its compliance certification, this qualification related to the provisions of state regulations for excess opacity during startup and certain malfunctions/breakdowns, as discussed elsewhere in this document. Additionally, information in the quarterly opacity reports, as have been resubmitted to the Illinois EPA with certain public comments, is not determinative of whether these exceedances constitute violations much less ongoing violations. Even to the extent these exceedances rise to the level of a violation, past exceedances do not necessarily constitute a sufficient basis to include a compliance schedule in these permits.

While comments claim that the numbers of exceedances are significant, consideration must be given to the fact that opacity is measured and counted as 6-minute averages. As a result, the number of exceedances and aggregate duration of exceedance are not directly equivalent. For example, 10 exceedances constitute only one hour of potential noncompliance. Further, the statistics for total numbers of exceedances at a plant do not accurately reflect the extent of exceedances by individual boilers. Moreover, available information indicates the past exceedances have only intermittently occurred and then abated, with no particular pattern. Certainly for the vast majority of time, the coal-fired boilers comply with opacity limitations. That exceedances, especially opacity exceedances, may occur intermittently is recognized by state and federal regulations and by federal guidance. Accordingly, the circumstance of the coal-fired boilers at these plants for opacity is such that the issue need not be addressed with compliance schedules in the CAAPP permits.

Notwithstanding the above, and as addressed in the CAAPP permits themselves, and elsewhere in this Responsiveness Summary, in response to public comments and on its own initiative, the Agency has crafted the CAAPP permits with particular emphasis on PM emissions to comprehensively assure compliance with applicable requirements. Inherent with this, is an emphasis on opacity as well.”

EPA-R5-2014-004943-7

Brian Dickens /R5/USEPA/US

07/05/2006 09:04 AM

To Mark Roach

cc Fred Krikau, "Harrington, James T.", Kevin Mattison,
Christine Liszewski

bcc

Subject Re: Draft revision of Finkl protocol

Mark

The draft protocol you sent looks fine to me. I only have one comment and it pertains to opacity. The NSPS requires that the opacity readings be taken concurrently with the Method 5/5D test. I didn't see such a statement in the protocol.

Adding these exact words is not absolutely necessary, but please plan accordingly.

I look forward to the final,

Thanks

Brian Dickens

U.S. EPA - Region 5

Ph (312) 886-6073

Fx (312) 353-8289

dickens.brian@epa.gov

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Mark Roach <mroach@cleanair.com>

Mark Roach

<mroach@cleanair.com>

06/29/2006 03:16 PM

To Kevin Mattison <kevin.mattison@epa.state.il.us>, Brian
Dickens/R5/USEPA/US@EPA

cc "Harrington, James T." <jharrington@mcguirewoods.com>,
Fred Krikau <fkrikau@sbcglobal.net>

Subject Draft revision of Finkl protocol

Attached are two documents

1. Draft revision1 of the Finkl protocol
2. A memo highlighting the changes from revision 0 based on our meeting 6/22/06.

The test date has yet to be set.

Please let me know if any items need to be addressed further before a formal revision is completed and submitted.

- Thanks, Mark

Mark Roach
Clean Air Engineering, Inc.
500 W. Wood St.
Palatine, IL 60067
Direct: 847-654-4599
fax: 847-991-0036
cell: 847-323-0573



9939 Protocol_Dft01.pdf



Memo-0629-FinklProtocol.pdf

EPA-R5-2014-004943-8

Cheryl Newton /R5/USEPA/US

10/19/2006 09:04 AM

To Laurel.Kroack, Don.Sutton
cc
bcc Genevieve Damico
Subject Fw: Ill Opacity Letter - I'm OK - You OK?

This is it; Adam and the Bills agree. Can you send it, maybe even today? You will make my day. Thanks
----- Forwarded by Cheryl Newton/R5/USEPA/US on 10/19/2006 09:01 AM -----

Bill Harnett/RTP/USEPA/US

10/18/2006 03:52 PM

To Cheryl Newton/R5/USEPA/US@EPA
cc

Subject Fw: Ill Opacity Letter - I'm OK - You OK?

----- Forwarded by Bill Harnett/RTP/USEPA/US on 10/18/2006 04:52 PM -----

Bill Harnett/RTP/USEPA/US

10/18/2006 02:03 PM

To Bill Harnett/RTP/USEPA/US@EPA
cc
Subject Fw: Ill Opacity Letter -

----- Forwarded by Bill Harnett/RTP/USEPA/US on 10/18/2006 01:46 PM -----

Bill Harnett/RTP/USEPA/US

10/17/2006 05:30 PM

To Bill Wehrum/DC/USEPA/US
cc Steve Page/RTP/USEPA/US@EPA
Subject Ill Opacity Letter -

Italics are recent changes but probably easier to just read letter through.

Dear...:

This letter summarizes the Illinois EPA's past and present activities to address the opacity *exceedances of* Illinois' coal-fired generating units. This letter is submitted at the request of the USEPA to resolve lingering confusion regarding Illinois EPA's consideration of historical opacity data in the CAAPP permit review process.

As part of the processing of the CAAPP permit applications for Illinois'

22 coal-fired power plants, the Illinois EPA's Division of Air Pollution Control Permit Section reviewed opacity data for the coal-fired generating units in response to a number of comments that were received related to opacity from these units. As explained in the Responsiveness Summaries accompanying the issuance of these CAAPP permits, this review found that it was appropriate to include certain periodic monitoring requirements in the permits, regarding the data collected and reported by sources with respect to opacity. Neither this review nor the record in total provided a sufficient basis to support the inclusion of compliance schedules in the CAAPP permits. However, this review did not foreclose future action by the Illinois EPA to address opacity; the Illinois EPA did not conclude nor state that there were no violations of opacity standards.

The Illinois EPA Division of Air Pollution Control Compliance and Enforcement Section will continue to review quarterly opacity reports submitted by these sources, together with the existing information, to determine whether enforcement action is warranted. As part of such future action, Illinois EPA will make a determination as to whether the frequency and pattern of the opacity *exceedances* at these sources warrant enforcement action, e.g., they meet U.S. EPA's criteria for high priority *violation(s)*, and would proceed accordingly per our existing compliance guidance and agreements. Like the Bureau's other compliance work, the specific timing and nature of these activities will be governed by such guidance, available resources, current enforcement priorities and other relevant considerations. Consistent with our current practices, Illinois will work with Region 5's enforcement staff on this issue.

Where enforcement is initiated for violations of applicable opacity standards and the enforcement results in a settlement or adjudicated finding of non-compliance, this could require revision of the CAAPP Permit for the subject source to include any relevant requirements. This further action on a CAAPP permit would be required if a compliance schedule or other new applicable requirements are established for a source. This further action would occur in accordance with applicable administrative procedures governing revision and/or reopening of CAAPP permits.

I trust this letter resolves any confusion relative to the Illinois EPA's review of opacity data during the processing of the applications for CAAPP permits for the 22 coal-fired power plants. If you have any further questions regarding this matter, please contact Laurel Kroack, Chief, Bureau of Air.

EPA-R5-2014-004943-9

Adam Kushner /DC/USEPA/US

02/28/2007 05:23 PM

To mazakas.pam, alonso.richard, schnare.david

cc

bcc

Subject Fw: Signed Illinois Title V Letter

here is the illinois letter re midwest gen .

Adam M. Kushner
Director
Air Enforcement Division
United States Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
Telephone: 202-564-7979
Facsimile: 202-564-0015

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----- Forwarded by Adam Kushner/DC/USEPA/US on 02/28/2007 06:22 PM -----

**Cheryl
Newton/R5/USEPA/US**

10/19/2006 02:41 PM

To Bill Harnett/RTP/USEPA/US@EPA, Adam
Kushner/DC/USEPA/US@EPA
Jay Bortzer/R5/USEPA/US@EPA, Pamela
Blakley/R5/USEPA/US@EPA, Genevieve
cc Damico/R5/USEPA/US@EPA, Steve
Rothblatt/R5/USEPA/US@EPA

Subject Signed Illinois Title V Letter

Hi everyone - Illinois has signed and faxed to us the letter clarifying their position on how they have responded to the opacity data. Thanks for all your efforts and input. Enjoy for a moment, before we turn to redrafting the Orders responding to the petitions. Genevieve - I wasn't sure who all was involved with that, so I'll let you take the lead on distributing more broadly and taking the next steps . Thanks



IEPA 2.pdf

EPA-R5-2014-004943-10

**George
Czerniak/R5/USEPA/US**

06/20/2007 08:46 AM

To Adam Kushner

cc

bcc

Subject Midwest Gen

Adam- we are about 2-3 weeks from an NOV here. It will include opacity counts and possibly a PSD count. If you guys have access to any other data that we should consider including at this time , this would be a good point to put that into the mix.

After the NOV (unless there is some catastrophic turn of events), we would plan to refer the matter in the 4th quarter

Protecting the environment is everyone's responsibility . Help EPA fight pollution by reporting possible harmful environmental activity. To do so, visit EPA's website at <http://www.epa.gov/compliance/complaints/index.html>

EPA-R5-2014-004943-11

**George
Czerniak/R5/USEPA/US**

06/20/2007 09:41 AM

To Adam Kushner

cc

bcc

Subject Re: Midwest Gen

The opacity counts will touch all facilities and most units . The PSD counts could touch all facilities , but certainly not all units

Protecting the environment is everyone's responsibility . Help EPA fight pollution by reporting possible harmful environmental activity. To do so, visit EPA's website at <http://www.epa.gov/compliance/complaints/index.html>


Adam Kushner/DC/USEPA/US

**Adam
Kushner/DC/USEPA/US**

06/20/2007 08:56 AM

To czerniak.george@epa.gov

cc

Subject Re: Midwest Gen 

okay. for what facilities?

Adam M. Kushner
Director
Air Enforcement Division
United States Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
Telephone: 202-564-7979
Facsimile: 202-564-0015

Help eliminate environmental violations - report tips and complaints at:

<http://www.epa.gov/compliance/complaints/index.html>

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George Czerniak/R5/USEPA/US

George
Czerniak/R5/USEPA/US

06/20/2007 09:46 AM

To Adam Kushner/DC/USEPA/US@EPA

cc

Subject Midwest Gen

Adam- we are about 2-3 weeks from an NOV here. It will include opacity counts and possibly a PSD count. If you guys have access to any other data that we should consider including at this time , this would be a good point to put that into the mix.

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<http://www.epa.gov/compliance/complaints/index.html>

EPA-R5-2014-004943-12

"Bruce Nilles"
<bruce.nilles@sierraclub.org>

08/03/2007 03:11 PM

To Mary Gade, Adam Kushner, Steve Rothblatt

cc George Czerniak

bcc

Subject FW: Midwest Generation NOV/FOV

Mary et al – this action on Midwest Generation is very, very much appreciated. When this is made public on Monday there will be a lot of celebrations across the greater Chicago region.

Thank you!

Bruce Nilles, Director
National Coal Campaign
Sierra Club

From: Memmos.Kathy@epamail.epa.gov [mailto:Memmos.Kathy@epamail.epa.gov]

Sent: Friday, August 03, 2007 9:12 AM

To: bruce.nilles@sierraclub.org

Cc: Czerniak.George@epamail.epa.gov

Subject: Midwest Generation NOV/FOV

Kathy Memmos, Environmental Engineer
U.S. EPA Region 5
Air Enforcement and Compliance Assurance, MI/WI Section
Phone: 312-353-4293
Fax: 312-353-8289

Protecting the environment is everyone's responsibility. Help EPA fight pollution by reporting possible harmful environmental activity. To do so, visit EPA's website at



<http://www.epa.gov/compliance/complaints/index.html> MWG Redacted NOV-FOV.pdf

EPA-R5-2014-004943-13

**Johnpc
Fogarty/DC/USEPA/US**
08/08/2007 07:35 AM

To Ilana Saltzbart
cc Richard Alonso, Kushner.Adam
bcc
Subject Re: Fw: Fw: Greenwire inquiry

OK. Laura G has been coordinating with reg 5 press folks on this. In an earlier email, Rich had suggested that Adam should be in on the review, but I don't know if this can hold until he's back next week. In the interim, go ahead and work up what a draft of the response.

Notice: This email may contain confidential communications. Attorney-client, attorney work product and/or enforcement privileged.

Ilana Saltzbart/DC/USEPA/US

**Ilana
Saltzbart/DC/USEPA/US**
08/08/2007 08:24 AM

To Johnpc Fogarty/DC/USEPA/US@EPA
cc Kathy Memmos/R5/USEPA/US@EPA
Subject Re: Fw: Fw: Greenwire inquiry 📎

Region 5 OPA have a draft response to this issue. Kathy is sending us latest draft that she has but it may not be the last version. Our OPA should check with Region 5 OPA.

Ilana Saltzbart
Attorney-Advisor, US EPA, OECA, OCE
1200 Pennsylvania Avenue, NW, MC 2242A, Washington, DC 20460
Phone: 202 564 9935
Fax: 202 564 0035

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Johnpc Fogarty/DC/USEPA/US

**Johnpc
Fogarty/DC/USEPA/US**
08/07/2007 03:44 PM

To "Ilana Saltzbart" <Saltzbart.Ilana@epamail.epa.gov>,
Richard Alonso/DC/USEPA/US@EPA, Patrick
Foley/DC/USEPA/US@EPA
cc
Subject Fw: Fw: Greenwire inquiry

See below -

Sent from my BlackBerry Wireless Handheld
Enesta Jones
----- Original Message -----

From: Enesta Jones
Sent: 08/07/2007 03:30 PM
To: Roxanne Smith
Cc: Alison Davis; Johnpc Fogarty; Jennifer Wood; Laura Gentile; Nathan Conrad
Subject: Re: Fw: Greenwire inquiry

see original email from the reporter:

Enesta,

I am interested in getting comment from EPA about an apparent policy discrepancy involving Midwest Generation, a major electric utility in Illinois that operates coal-fired power plants.

Last week, EPA Region V office in Chicago issued of a 26-count notice of violation to Midwest Generation and Commonwealth Edison for alleged misdeeds at 6 coal-fired plants in Illinois (see today's Greenwire lead story). Among other things EPA say Midwest Generation and ComEd violated NSR, NSPS, and Title V permit provisions of the Clean Air Act in its maintenance and operation of the six plants.

Yet last month, the administrator opted not to intervene in the State of Illinois' issuance of new Title V permits for the same six plants (Greenwire, July 17). Illinois Attorney General Lisa Madigan and other groups had asked EPA to block the permits because the state did not require Midwest Generation to meet certain opacity requirements, nor did it certify that the plants had not violated NSR when they were owned by ComEd prior to 1999?

Given that these same plants had been under investigation by EPA since 2003 and that the alleged violations date to 1992, how could the administrator overlook a pending 26-count notice of violation, including NSR and Title V claims, and allow the renewed permits to go forward?

I am happy to work by e-mail but would prefer to talk to someone in the Air Division who might be able to explain the decisions for me.

Thanks much,


Daniel Cusick
Greenwire
404-724-0609

Enesta Jones
Press Officer
U.S. Environmental Protection Agency
202.564.7873
jones.enesta@epa.gov

Roxanne Smith/DC/USEPA/US

**Roxanne
Smith/DC/USEPA/US**

08/07/2007 03:28 PM

To Laura Gentile/DC/USEPA/US@EPA
cc "Johnpc Fogarty" <Fogarty.Johnpc@epamail.epa.gov>,
Jennifer Wood/DC/USEPA/US@EPA, Nathan
Conrad/DC/USEPA/US@EPA, Enesta
Jones/DC/USEPA/US@EPA, Alison
Davis/RTP/USEPA/US@EPA
Subject Re: Fw: Greenwire inquiry 

Enesta:


Are there specific questions for OECA?

Roxanne

Laura Gentile/DC/USEPA/US

Laura Gentile /DC/USEPA/US

08/07/2007 03:26 PM

To Roxanne Smith/DC/USEPA/US@EPA, Jennifer
Wood/DC/USEPA/US@EPA
cc Nathan Conrad/DC/USEPA/US@EPA, "Johnpc Fogarty"
<Fogarty.Johnpc@epamail.epa.gov>
Subject Re: Fw: Greenwire inquiry 

We were involved in the case -- most questions can be answered by the region but we'll evaluate each individually

Roxanne Smith

----- Original Message -----

From: Roxanne Smith
Sent: 08/07/2007 03:22 PM
To: Jennifer Wood
Cc: Laura Gentile; Nathan Conrad
Subject: Re: Fw: Greenwire inquiry

I got a call earlier today from Power Market Today on Midwest Generation and referred the reporter to R5, per OECA.

Jennifer Wood/DC/USEPA/US

**Jennifer
Wood/DC/USEPA/US**

08/07/2007 03:16 PM

To Roxanne Smith/DC/USEPA/US@EPA
cc

Subject Fw: Greenwire inquiry

Jennifer Wood
Office: 202.564.7351
Alison Davis

----- Original Message -----

From: Alison Davis
Sent: 08/07/2007 03:11 PM
To: Enesta Jones
Cc: davis.alison@epa.gov; Jennifer Wood; Robert Zachariasiewicz; "Jennifer Wood" <wood.jennifer@epa.gov>
Subject: Re: Greenwire inquiry

All:

This will take us a little while . Traps to run before we decide for certain . Deadline?

Also, given that there are violations involved here , should we loop OECA in?

EPA Office of Air & Radiation
1200 Pennsylvania Ave. NW
Washington DC 20460
tel. 202-564-2903
Enesta Jones/DC/USEPA/US

Enesta Jones /DC/USEPA/US

08/07/2007 02:39 PM

To Jennifer Wood/DC/USEPA/US@EPA, davis.alison@epa.gov
cc Robert Zachariasiewicz/DC/USEPA/US@EPA, "Jennifer Wood" <wood.jennifer@epa.gov>
Subject Re: Greenwire inquiry 📎

Alison, chime in.

Enesta Jones
Press Officer
U.S. Environmental Protection Agency
202.564.7873
jones.enesta@epa.gov

Jennifer Wood/DC/USEPA/US

**Jennifer
Wood/DC/USEPA/US**

08/07/2007 02:37 PM

To Enesta Jones/DC/USEPA/US@EPA, "Jennifer Wood" <wood.jennifer@epa.gov>
cc Robert Zachariasiewicz/DC/USEPA/US@EPA
Subject Re: Greenwire inquiry 📎

I would like to know what the program office says and then decide whether or not region should fully take...about to board plane. Thanks!

Jennifer Wood

Office: 202.564.7351

Enesta Jones

----- Original Message -----

From: Enesta Jones
Sent: 08/07/2007 02:27 PM
To: wood.jennifer@epa.gov
Cc: Robert Zachariasiewicz
Subject: Fw: Greenwire inquiry

see below.

Enesta Jones

Press Officer

U.S. Environmental Protection Agency

202.564.7873

jones.enesta@epa.gov

----- Forwarded by Enesta Jones/DC/USEPA/US on 08/07/2007 02:26 PM -----

"Daniel Cusick "
<cusick@eenews.net>
08/07/2007 02:15 PM

To Enesta Jones/DC/USEPA/US@EPA

cc

Subject RE: Greenwire inquiry

Enesta,

Thanks for the response. I do have calls into Region 5 about this, but the July administrative orders on Midwest Generation's Title V permits came from the administrator's office. Therefore, I'd prefer to have someone from HQ respond to my questions about whether the earlier administrative orders re Title V contradict (or don't contradict) the more recent notice of violation. Is there someone in the Air Division or the administrator's office who can speak to that?

Thanks much,

Daniel

-----Original Message-----

From: Jones.Enesta@epamail.epa.gov [mailto:Jones.Enesta@epamail.epa.gov]

Sent: Tuesday, August 07, 2007 1:54 PM

To: Daniel Cusick

Subject: Re: Greenwire inquiry

Daniel-

You need to contact our Region 5 press office about this issue. Your contact there is Bill Omohundro, 312.353.8254.

Enesta Jones
Press Officer
U.S. Environmental Protection Agency
202.564.7873
jones.enesta@epa.gov

"Daniel Cusick"
<cusick@eenews.net>

08/07/2007 01:42
PM

Enesta Jones/DC/USEPA/US@EPA

To

cc

Subject

Greenwire inquiry

Enesta,

I am interested in getting comment from EPA about an apparent policy discrepancy involving Midwest Generation, a major electric utility in Illinois that operates coal-fired power plants.

Last week, EPA Region V office in Chicago issued of a 26-count notice of violation to Midwest Generation and Commonwealth Edison for alleged misdeeds at 6 coal-fired plants in Illinois (see today's Greenwire lead story). Among other things EPA say Midwest Generation and ComEd violated NSR, NSPS, and Title V permit provisions of the Clean Air Act in its maintenance and operation of the six plants.

Yet last month, the administrator opted not to intervene in the State of Illinois' issuance of new Title V permits for the same six plants (Greenwire, July 17). Illinois Attorney General Lisa Madigan and other groups had asked EPA to block the permits because the the state did not require Midwest Generation to meet certain opacity requirements, nor did it certify that the plants had not violated NSR when they were owned by ComEd prior to 1999?

Given that these same plants had been under investigation by EPA since 2003 and that the alleged violations date to 1992, how could the administrator overlook a pending 26-count notice of violation, including NSR and Title V claims, and allow the renewed permits to go forward?

I am happy to work by e-mail but would prefer to talk to someone in the Air Division who might be able to explain the decisions for me.

Thanks much,

Daniel Cusick

Greenwire
404-724-0609

EPA-R5-2014-004943-14

**Johnpc
Fogarty/DC/USEPA/US**
08/08/2007 08:55 AM


To Ilana Saltzbart
cc Adam Kushner, Richard Alonso
bcc
Subject Re: Fw: Fw: Greenwire inquiry

no, go ahead and continue to work with region 5 on the desk statement, and circulate it here for our review/OK. there should be just one desk statement. thanks.

Notice: This email may contain confidential communications. Attorney-client, attorney work product and/or enforcement privileged.

Ilana Saltzbart/DC/USEPA/US

**Ilana
Saltzbart/DC/USEPA/US**
08/08/2007 09:43 AM


To Richard Alonso/DC/USEPA/US@EPA
cc Adam Kushner/DC/USEPA/US@EPA, Johnpc
Fogarty/DC/USEPA/US@EPA
Subject Re: Fw: Fw: Greenwire inquiry 

Laura asked me to draft a desk statement for Midwest Gen. I'll do it but it seems like someone in Region 5 is already doing one -- it'd be better for us to review it rather than have two offices doing the same work. Should I try to put the brakes on?

Ilana Saltzbart
Attorney-Advisor, US EPA, OECA, OCE
1200 Pennsylvania Avenue, NW, MC 2242A, Washington, DC 20460
Phone: 202 564 9935
Fax: 202 564 0035

NOTICE: This communication may contain privileged or other confidential information. If you are not the intended recipient, or believe you have received this communication in error, please delete the copy you received, and do not print, copy, retransmit, disseminate, or otherwise use the information. Thank You.
Richard Alonso/DC/USEPA/US

**Richard
Alonso/DC/USEPA/US**
08/08/2007 09:27 AM

To Johnpc Fogarty/DC/USEPA/US@EPA, Ilana
Saltzbart/DC/USEPA/US@EPA
cc Adam Kushner/DC/USEPA/US@EPA
Subject Re: Fw: Fw: Greenwire inquiry 

Ilana did not work on the title 5 piece. David Schnare did. This is just not an enforcement issue only.

Sent by EPA Wireless E-Mail Services
Johnpc Fogarty
----- Original Message -----

From: Johnpc Fogarty
Sent: 08/08/2007 08:35 AM
To: Ilana Saltzbart
Cc: Richard Alonso; Adam Kushner
Subject: Re: Fw: Fw: Greenwire inquiry


OK. Laura G has been coordinating with reg 5 press folks on this. In an earlier email, Rich had suggested that Adam should be in on the review, but I don't know if this can hold until he's back next week. In the interim, go ahead and work up what a draft of the response.

Notice: This email may contain confidential communications . Attorney-client, attorney work product and/or enforcement privileged.

Ilana Saltzbart/DC/USEPA/US

**Ilana
Saltzbart/DC/USEPA/US**

08/08/2007 08:24 AM

To Johnpc Fogarty/DC/USEPA/US@EPA
cc Kathy Memmos/R5/USEPA/US@EPA
Subject Re: Fw: Fw: Greenwire inquiry 

Region 5 OPA have a draft response to this issue. Kathy is sending us latest draft that she has but it may not be the last version. Our OPA should check with Region 5 OPA.

Ilana Saltzbart
Attorney-Advisor, US EPA, OECA, OCE
1200 Pennsylvania Avenue, NW, MC 2242A, Washington, DC 20460
Phone: 202 564 9935
Fax: 202 564 0035

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Johnpc Fogarty/DC/USEPA/US

**Johnpc
Fogarty/DC/USEPA/US**

08/07/2007 03:44 PM

To "Ilana Saltzbart" <Saltzbart.Ilana@epamail.epa.gov>,
Richard Alonso/DC/USEPA/US@EPA, Patrick
Foley/DC/USEPA/US@EPA
cc
Subject Fw: Fw: Greenwire inquiry

See below -

Sent from my BlackBerry Wireless Handheld
Enesta Jones
----- Original Message -----

From: Enesta Jones
Sent: 08/07/2007 03:30 PM
To: Roxanne Smith
Cc: Alison Davis; Johnpc Fogarty; Jennifer Wood; Laura Gentile; Nathan Conrad
Subject: Re: Fw: Greenwire inquiry

see original email from the reporter:

Enesta,

I am interested in getting comment from EPA about an apparent policy discrepancy involving Midwest Generation, a major electric utility in Illinois that operates coal-fired power plants.

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Thanks much,


Daniel Cusick
Greenwire
404-724-0609

Enesta Jones
Press Officer
U.S. Environmental Protection Agency
202.564.7873
jones.enesta@epa.gov

Roxanne Smith/DC/USEPA/US

**Roxanne
Smith/DC/USEPA/US**

08/07/2007 03:28 PM

To Laura Gentile/DC/USEPA/US@EPA
cc "Johnpc Fogarty" <Fogarty.Johnpc@epamail.epa.gov>,
Jennifer Wood/DC/USEPA/US@EPA, Nathan
Conrad/DC/USEPA/US@EPA, Enesta
Jones/DC/USEPA/US@EPA, Alison
Davis/RTP/USEPA/US@EPA
Subject Re: Fw: Greenwire inquiry 

Enesta:


Are there specific questions for OECA?

Roxanne

Laura Gentile/DC/USEPA/US

Laura Gentile /DC/USEPA/US

08/07/2007 03:26 PM

To Roxanne Smith/DC/USEPA/US@EPA, Jennifer
Wood/DC/USEPA/US@EPA
cc Nathan Conrad/DC/USEPA/US@EPA, "Johnpc Fogarty"
<Fogarty.Johnpc@epamail.epa.gov>
Subject Re: Fw: Greenwire inquiry 

We were involved in the case -- most questions can be answered by the region but we'll evaluate each individually

Roxanne Smith

----- Original Message -----

From: Roxanne Smith
Sent: 08/07/2007 03:22 PM
To: Jennifer Wood
Cc: Laura Gentile; Nathan Conrad
Subject: Re: Fw: Greenwire inquiry

I got a call earlier today from Power Market Today on Midwest Generation and referred the reporter to R5, per OECA.

Jennifer Wood/DC/USEPA/US

**Jennifer
Wood/DC/USEPA/US**

08/07/2007 03:16 PM

To Roxanne Smith/DC/USEPA/US@EPA
cc
Subject Fw: Greenwire inquiry

Jennifer Wood
Office: 202.564.7351
Alison Davis

----- Original Message -----

From: Alison Davis
Sent: 08/07/2007 03:11 PM
To: Enesta Jones
Cc: davis.alison@epa.gov; Jennifer Wood; Robert Zachariasiewicz; "Jennifer Wood" <wood.jennifer@epa.gov>
Subject: Re: Greenwire inquiry

All:


This will take us a little while. Traps to run before we decide for certain. Deadline?

Also, given that there are violations involved here, should we loop OECA in?

EPA Office of Air & Radiation
1200 Pennsylvania Ave. NW
Washington DC 20460
tel. 202-564-2903
Enesta Jones/DC/USEPA/US

Enesta Jones /DC/USEPA/US

08/07/2007 02:39 PM

To Jennifer Wood/DC/USEPA/US@EPA, davis.alison@epa.gov
cc Robert Zachariasiewicz/DC/USEPA/US@EPA, "Jennifer Wood" <wood.jennifer@epa.gov>
Subject Re: Greenwire inquiry 


Alison, chime in.

Enesta Jones
Press Officer
U.S. Environmental Protection Agency
202.564.7873
jones.enesta@epa.gov

Jennifer Wood/DC/USEPA/US

**Jennifer
Wood/DC/USEPA/US**

08/07/2007 02:37 PM

To Enesta Jones/DC/USEPA/US@EPA, "Jennifer Wood" <wood.jennifer@epa.gov>
cc Robert Zachariasiewicz/DC/USEPA/US@EPA
Subject Re: Greenwire inquiry 

I would like to know what the program office says and then decide whether or not region should fully take...about to board plane. Thanks!

Jennifer Wood
Office: 202.564.7351
Enesta Jones

----- Original Message -----

From: Enesta Jones
Sent: 08/07/2007 02:27 PM
To: wood.jennifer@epa.gov
Cc: Robert Zachariasiewicz
Subject: Fw: Greenwire inquiry

see below.

Enesta Jones
Press Officer
U.S. Environmental Protection Agency
202.564.7873
jones.enesta@epa.gov

----- Forwarded by Enesta Jones/DC/USEPA/US on 08/07/2007 02:26 PM -----

"Daniel Cusick "
<cusick@eenews.net>
08/07/2007 02:15 PM

To Enesta Jones/DC/USEPA/US@EPA
cc

Subject RE: Greenwire inquiry

Enesta,
Thanks for the response. I do have calls into Region 5 about this, but the July administrative orders on Midwest Generation's Title V permits came from the administrator's office. Therefore, I'd prefer to have someone from HQ respond to my questions about whether the earlier administrative orders re Title V contradict (or don't contradict) the more recent notice of violation. Is there someone in the Air Division or the administrator's office who can speak to that?
Thanks much,
Daniel

-----Original Message-----

From: Jones.Enesta@epamail.epa.gov [mailto:Jones.Enesta@epamail.epa.gov]

Sent: Tuesday, August 07, 2007 1:54 PM
To: Daniel Cusick
Subject: Re: Greenwire inquiry

Daniel-

You need to contact our Region 5 press office about this issue. Your contact there is Bill Omohundro, 312.353.8254.

Enesta Jones
Press Officer
U.S. Environmental Protection Agency
202.564.7873
jones.enesta@epa.gov

"Daniel Cusick"
<cusick@eenews.net>

08/07/2007 01:42
PM

Enesta Jones/DC/USEPA/US@EPA

To

cc

Subject

Greenwire inquiry

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I am happy to work by e-mail but would prefer to talk to someone in the Air Division who might be able to explain the decisions for me.

Thanks much,

Daniel Cusick
Greenwire

404-724-0609

EPA-R5-2014-004943-15

Jon
Knodel/ARTD/R7/USEPA/US
08/29/2007 08:07 AM

To Kevin Vuilleumier
cc
bcc
Subject Court Says Continuous Opacity Monitoring Sufficient to
Show Particulate Rule Violated

If you haven't already seen it...

BNA, Inc.

Daily Environment

REPORT

No. 166
Tuesday, August 28, 2007
ISSN 1521-9402

Page A-1

News

Air Pollution

Court Says Continuous Opacity Monitoring Sufficient to Show Particulate Rule Violated

A federal district court judge in Alabama ruled Aug. 27 that continuous opacity monitoring is sufficient to establish violations of particulate matter standards at power plants and that it is not necessary also to use visual monitoring (*Sierra Club v. Tennessee Valley Authority*, N.D. Ala., No. 02-2279, 8/27/07).

The ruling by Judge Virginia Emerson Hopkins of the U.S. District Court for the Northern District of Alabama came in a decision in which she held that the Tennessee Valley Authority is liable for 3,389 separate violations of Alabama's 20 percent opacity standard for emissions at its Colbert plant in Colbert County, Ala.

Opacity is a measure of the light in an emissions stream that is blocked by particulate matter. The more particulate matter in the emissions stream, the greater the opacity.

Hopkins agreed with the Sierra Club, which brought a citizen enforcement action against TVA, that continuous opacity monitoring alone is more accurate than visual monitoring, also known as EPA monitoring method 9.


The use of a continuous opacity monitoring system (COMS) with instruments that gather data to establish a violation is sufficient under Alabama's "credible evidence" rule, Hopkins said. The credible evidence rule, adopted by the Environmental Protection Agency in the 1990s and by Alabama in 1999, said that credible evidence other than method 9 was sufficient to establish a violation.

"COMS data is credible evidence by itself, and the fact that a Method 9 test may yield a different result simply means the court would have two (2) different tests to consider in its decision making," Hopkins said.

According to Hopkins, continuous opacity monitoring data is gathered

continuously, while method 9 data is gathered during less than one-half of 1 percent of a pollution source's operations.

Case Remanded by 11th Circuit

Hopkins made the ruling on remand from the U.S. Court of Appeals for the 11th Circuit, which in 2005 overturned a ruling by Hopkins awarding summary judgment in the case to TVA (*Sierra Club v. TVA* , 61 ERC 1545 (CA 11 2005); 227 DEN A-2, 11/28/05 ).

In her 2004 ruling, Hopkins said violations did not occur under Alabama's de minimis rule, which excused exceedances occurring for less than 2 percent of the operating hours of a plant in each quarter of a year.

The 11th Circuit found that the Alabama practice did not have the force of law.

In her latest ruling, Hopkins said the TVA Colbert plant met opacity limits 99 percent of the time, but that under the 11th Circuit ruling this was not sufficient to avoid liability.


TVA Reviewing Decision

In a written statement, TVA said it is reviewing the decision and an order to file a plan to bring the Colbert plant into compliance with the opacity standard.

"We will determine our course of action prior to the 60 day time period given to us to develop a remediation plan," the TVA statement said.

John Walke, director of clean air programs at the Natural Resources Defense Council, who has monitored the case, hailed the ruling.

Walke said, "All told, these are significant findings that will greatly aid the ability of citizen plaintiffs in environmental enforcement lawsuits to hold industrial violators liable for repeated violations, especially in instances in which industry's own continuous emissions monitors collect and furnish the damning evidence."

"This will make Clean Air Act citizen suits easier to mount and more like Clean Water Act enforcement cases, in which Discharge Monitoring Reports provide similar evidence and have traditionally have been the main reason why citizen water pollution enforcement suits are more common than air pollution enforcement," Walke said. 

By Steven D. Cook

Contact customer relations at: customercare@bna.com or 1-800-372-1033

ISSN 1521-9402

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EPA-R5-2014-004943-16

**George
Czerniak/R5/USEPA/US**
07/28/2009 01:18 PM

To Adam Kushner, Pam Mazakas, MatthewW Morrison
cc
bcc
Subject Environmentalists give 60-Day Notice of intent to sue
Midwest Gen

FYI

Clean Air Act Violations by Chicago Coal Plants Threaten Health , Force Challenge from Health and Environmental Groups

CHICAGO - Midwest Generation, LLC faces a legal challenge from a coalition of Illinois health and environmental groups for releasing illegally high amounts of particulate matter that leads to respiratory illnesses and premature deaths in nearby communities. The challenge follows a number of air pollution-related citations from the United States Environmental Protection Agency (EPA) against Midwest Generation's coal plants in the state, particularly the Fisk and Crawford Generating Stations located within the Chicago city limits.

The coalition members, Citizens Against Ruining the Environment, The Environmental Law and Policy Center , Natural Resources Defense Council (NRDC), The Respiratory Health Association of Metropolitan Chicago and Sierra Club, filed a 60-day notice of their legal challenge today, the first step in a Clean Air Act citizen suit. This action brings a new legal development in an ongoing campaign by environmental, health and community groups representing the communities in which the coal plants are located. All of the plants are located in working class and/or minority neighborhoods.

"The longer I have lived in Pilsen near the Fisk plant, the more health problems I have had - and I think the plant is responsible," said Leila Mendez, Pilsen resident and member of Pilsen Environmental Rights and Reform Organization. "I have survived a rare tumor and now I have soreness in my throat making it increasingly difficult to sing and talk - both things I do for a living. This pollution is deadly and Midwest Generation needs to clean up or close down their coal-fired power plants."

Researchers from the Harvard School of Public Health have found that pollution from 9 coal plants in northern Illinois causes 311 premature deaths, 4100 emergency room visits, and 21,500 asthma attacks annually. Midwest Generation owns coal plants in Chicago , Waukegan , Joliet , Romeoville and Pekin , Illinois . Chicago 's 2 coal plants, the Fisk plant in Pilsen and the Crawford plant in Little Village, are responsible for 41 premature deaths, 550 emergency room visits and 2800 asthma attacks annually.

The potential legal challenge focuses on the coal plants' opacity violations. Opacity is a measurement of the amount of light blocked by particulate matter coming from smokestacks. Particulate matter is fine dust and soot that stays close to the plant and concentrates negative air quality and health effects in nearby communities. EPA issued a notice of violation to Midwest Generation in August 2007 but has failed to take meaningful action to force clean ups at the plants and has allowed the plants to continue violating the law for the past two years.

Because of their age, Midwest Generation's coal plants are subject to more lenient opacity regulations than more modern plants. But Midwest 's Generation's own reports document that all of the company's coal plants regularly violate even these relaxed opacity regulations. Installing modern pollution controls could greatly reduce particulate matter from these plants.

Comments from coalition members:

"C.A.R.E. has spent the last fourteen years fighting for the more stringent laws that are needed to protect citizens' health," stated Carol Stark, Director of Citizens Against Ruining the Environment – C.A.R.E. "After forty years of pollution from these dirty plants, it is time to say ENOUGH! Midwest Generation, do the right thing: correct the problem, or shut down!"

"For years, Midwest Generation has resisted installing pollution controls and violated federal laws in order to run these old, dirty plants as cheaply as possible," said Faith Bugel , Senior Attorney for the Environmental Law and Policy Center. "People living near these plants have to breathe polluted air because Midwest Generation wants to cut costs."

“Fisk and Crawford are dangerous relics that would never be placed in the middle of urban neighborhoods today,” said Henry Henderson, Director of the Midwest Program for NRDC. “These dirty coal plants are a gash in Chicago’s green reputation, a threat to the public health and safety of this city, and a liability to our clean energy future. It is well past time for them to cleanup or close for good.”

“Even today, these ancient coal power plants continue to belch smoky black clouds in the heart of a major metropolis, putting millions of children, parents and grandparents at risk,” stated Brian Urbaszewski, Director of Environmental Health Programs for Respiratory Health Association of Metropolitan Chicago. “If these coal plants can’t even comply with clean air laws from the 1970’s they should be shut down and not allowed to operate until effective pollution controls are installed. No corporation should be above the law.”

“Midwest Generation’s free ride needs to stop,” said James Gignac, Midwest Director of Sierra Club’s Beyond Coal Campaign. “Across the country, including right here in Illinois, Americans are saying they don’t want dirty power from a greedy industry looking to skirt the rules. We want clean energy that will boost the economy, create jobs, and reduce our global warming pollution.”

###

Citi

Protecting the environment is everyone’s responsibility. Help EPA fight pollution by reporting possible harmful environmental activity. To do so, visit EPA’s website at <http://www.epa.gov/compliance/complaints/index.html>

EPA-R5-2014-004943-17

**Seema
Kakade/DC/USEPA/US**
07/28/2009 02:57 PM

To Adam Kushner, Ilana Saltzbart
cc
bcc
Subject Re: Fw: Environmentalists give 60-Day Notice of intent to
sue Midwest Gen

Good question, I'd love to hear whatever answer you get from Ben and Phil!!

Ms. Seema Kakade, Attorney-Advisor
U.S. EPA, Air Enforcement Division
1200 Pennsylvania Ave. NW, MC 2242A
Washington, DC 20460
(202) 564-2416
kakade.seema@epa.gov

Adam Kushner	Are we going to file soon? -----	07/28/2009 03:51:26 PM
--------------	----------------------------------	------------------------

From: Adam Kushner/DC/USEPA/US
To: "Benjamin Fisherow" <benjamin.fisherow@usdoj.gov>, "Phil Brooks" <phillip.brooks@usdoj.gov>, Seema Kakade/DC/USEPA/US, Ilana Saltzbart/DC/USEPA/US
Date: 07/28/2009 03:51 PM
Subject: Fw: Environmentalists give 60-Day Notice of intent to sue Midwest Gen

Are we going to file soon?

Adam Kushner
Director
Office of Civil Enforcement USEPA
202-564-7979

Sent by EPA Wireless E-Mail Services
George Czerniak

----- Original Message -----

From: George Czerniak
Sent: 07/28/2009 01:18 PM CDT
To: Adam Kushner; Pam Mazakas; MatthewW Morrison
Subject: Environmentalists give 60-Day Notice of intent to sue Midwest
Gen

FYI

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pollution.”

###

Citi

Protecting the environment is everyone’s responsibility . Help EPA fight pollution by reporting possible harmful environmental activity . To do so, visit EPA’s website at
<http://www.epa.gov/compliance/complaints/index.html>

EPA-R5-2014-004943-18

Laura Gentile /DC/USEPA/US

07/28/2009 04:40 PM

To "Edward Messina", Moshay Simpson, Pam Mazakas, Adam Kushner, "MatthewW Morrison"

cc "Richard Albores", Erin Smith

bcc

Subject PRESS Inquiry: NPR on new lawsuit (midwest gen) -
deadline tomorrow 2pm

Greetings AED --

Please check out the questions below. Let me know if you have any concerns. If you prefer, we could talk to the reporter (in lieu of written response). Your call.

Thx

Laura

Deb Berlin

----- Original Message -----

From: Deb Berlin

Sent: 07/28/2009 05:25 PM EDT

To: Laura Gentile; Richard Albores; Erin Smith

Subject: Press inquiry: NPR on new lawsuit - deadline tomorrow 2pm

NPR Chicago has the following questions. Deadline 2pm tomorrow. Thank you.

1) is there a database of opacity exceedances for coal-fired power plants? (opacity means visible emissions).

2) how widespread are opacity exceedances?

3) is it true that most or all coal plants have had exceedances at one time or another?

4) today a 60-day notice intent to sue Midwest Generation was filed by either Env Law & Policy or Citizens Against Ruining the Environment. The charge is opacity violations and failure to maintain monitoring. How did Midwest Generation's exceedances stack up nationally - the worst offender? middle of the road? not so bad?

5) 2 yrs ago on 7/31/2007 Midwest Generation got a NOV/FOV from EPA - why haven't there been any enforcement actions against them?

Deb Berlin
Press Officer
U.S. Environmental Protection Agency
Washington DC Headquarters
202-564-4914
berlin.deb@epa.gov

EPA-R5-2014-004943-19

Paul Versace /DC/USEPA/US

08/28/2009 06:02 AM

To Adam Kushner

cc

bcc

Subject Fw: Complaint Filed in US and Illinois V. Midwest Generation

My teasing yesterday aside, I think this is great and I have always admired your resolve in these matters .
Good luck.

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From: Apple Chapman/DC/USEPA/US
To: versace.paul@epa.gov
Date: 08/27/2009 05:05 PM
Subject: Fw: Complaint Filed in US and Illinois V. Midwest Generation

fyi

thought you might be interested in this

Apple Chapman
U.S. EPA
Attorney-Advisor
OECA, Air Enforcement Division
1200 Pennsylvania Avenue, NW, MC 2242A, Washington, DC 20460
Phone: 202-564-5666
Fax: 202-564-0068

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Date: 08/27/2009 10:24 AM

Subject:

Subject: Fw: Complaint Filed in US and Illinois V. Midwest Generation

cc:

cc:

Adam M. Kushner
Director
Office of Civil Enforcement
United States Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
Telephone: 202-564-2220
Facsimile: 202-564-0011

Help eliminate environmental violations - report tips and complaints at:

<http://www.epa.gov/compliance/complaints/index.html>

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Date: 08/27/2009 10:18 AM

Subject: Complaint Filed in US and Illinois V. Midwest Generation

Please see attached. The complaint was filed electronically. The ND Ill. Clerk's office will assign and notify me of the judge and MJ in a few hours.

As noted on the top of the filing, the case is 09-cv-5277 (N.D. Ill.)

Jennifer A. Lukas-Jackson
Trial Attorney
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U.S. Department of Justice
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